

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

Musa Daramy,) Cause No.:
Amara Diagouraga,)
Amara Soukouona,) COMPLAINT
Amadou Diallo,)
Alhaji Kabba,)
Abdul Wahab Umama,) JURY DEMAND
Muhamadou Touray,)
Ibrahim Keita,)
Bakary Maro Drame,)
Deba Traore,)
Sekou Soukouna,)
Ibrahima Fadiga,)
Yacouba Kone,)
Daniel Luai,)
Amgad Mohamed,)
Mohamed Ali,)
Macicre Diaby,)
Mahamdou Soukouna,)
Mamadi Camara,)
Mamadou Sissoko,)
Demba Kebe,)
Plaintiffs,)
v.)
Arctic Storm Management Group, LLC,)
dba/and Arctic Fjord, Inc., dba/and Arctic)
Storm Inc.,)
Defendant(s))

1
2 PLAINTIFFS, by and through their attorneys, Reba Weiss, Gordon Webb and
Anthony Ginster, allege as follows:

3 **I. PARTIES, JURISDICTION AND VENUE**

- 4 1.1 Plaintiffs were each employed by the Defendant(s) during the time periods
5 relevant to this Complaint.
- 6 1.2 Each Plaintiff is of African national origin and Black race.
- 7 1.3 Defendant(s) are incorporated in the State of Washington and do business
8 in the City of Seattle. They are therefore within this Court's jurisdiction.
- 9 1.4 Defendant(s) are a fishing company who employ more than 100 employees.
- 10 1.5 Plaintiffs timely filed their charges of discrimination with the EEOC and
have obtained their Notices of Right to Sue the Defendant(s). See attached.
- 11 1.6 This Court has federal question jurisdiction pursuant to 28 U.S.C.S. §1331
12 for Plaintiffs' claims under Title VII, 42 U.S.C.S. § 2000e *et seq.* and 42
13 U.S.C.S. §1981a.
- 14 1.7 All conditions precedent for filing this suit have been satisfied, waived, or
do not apply.
- 15 1.8 On October 6, 2021, the parties entered into a Tolling Agreement to toll the
16 ninety-day (90 day) statute of limitations. This was done to give the parties
17 a chance to continue mediation and settlement discussions. On October 18,
2021, Defendants unilaterally revoked the Tolling Agreement forcing
18 Plaintiffs to immediately file this case.

19 **II. FACTS**

20 Following is a statement from each plaintiff for and on behalf of all plaintiffs:

21 **2. MUSA DARAMY**

22 I was born in Sierra Leone and my race is Black. I have been working for
23 Defendant(s) for fourteen years. When I started working for the company, there
was a Caucasian and a Samoan as our leaders. Whenever you are hired, they
24 consider your experience and will promote you based on that. This has been the
policy of the company. I work close to the supervisor (QC), who is not an Black

1 African. I see all his actions and movements. On countless occasions, I have seen
 2 him let other races go to smoke breaks, bathroom breaks, and other breaks. He will
 3 sometimes go to them and tell them to take a smoke break. Whenever an Black
 4 African wants to take a bathroom break, he will block their way by standing in front
 of them in a provocative manner. He will scream at them and will times call them
 names. He comes up with different excuses to deny them access to the bathroom. I
 always intervene.

5 There is a guy called Yakouba Conneh. He is an elderly guy, but he has been newly
 6 hired. He has been subjected to one of the worst treatments I have ever witnessed.
 7 They treat him like a slave. They yell at him, call him derogatory names, and
 8 consistently deny him access to the bathroom. One day, he asked for a bathroom
 break multiple times but was denied. He peed on himself. It was the most
 embarrassing thing I have ever witnessed. Even after this incident, the QC
 continued to deny Black people access to the bathroom.

9 One time, I needed medical attention and was in a great deal of pain. Nula, the
 10 human resources representative, denied me and other Africans medical attention.
 11 She would approve medical treatment for the non-Blacks and non-Africans. Many
 12 Black Africans have been forced to quit due to the abuses they have suffered. On
 September 29, 2020, the Captain fired all of the Black Africans, including me, all
 at once.

13 3. AMARA DIAGOURAGA

14 I was born in Mauritania and my race is Black. I have been working for
 15 Defendant(s) since 2017. I work at the tables, and I am in table 1. The QC will skip
 16 table 1, who are the Black Africans, and will break table 3, who are not Black
 17 Africans. He has never stopped them from taking a bathroom break or a smoke
 18 break but has denied my colleagues and me on numerous occasions bathroom
 19 breaks and prayer breaks. We do not smoke. I have complained several times, but
 no action has ever been taken. We were threatened! We were told that whatever the
 QC reports will be taken as a fact. No one will be given the opportunity to be heard
 or defend themselves. On September 29, 2020, the Captain fired all of the Black
 Africans, including me, all at once.

21 4. AMARA SOUKOUNA

22 I was born in Mali and my race is Black. I have been working for Defendant(s) for
 23 over fifteen years. I have given everything to this company. I have tolerated a lot
 24 of abuses over the years. I am currently a lead man in the factory. I have witnessed
 almost every single abuse that Black Africans suffered in the factory. I have
 intervened on numerous occasions to stop the abuses. Black Africans have been
 denied access to the bathroom in a targeted systematic fashion. I was there when an

1 older guy than me, a reputable member of his community, had been denied access
 2 to the bathroom to a point he pees on himself. I know his entire family and his
 3 community members. The embarrassment nearly cost him his life. Nothing was
 4 done to address the wrong. It seems like another typical day to the non-Black folks.
 5 The QCs will give smoke breaks to others, provide them with bathroom breaks, and
 6 never monitor their movements. They will follow Black Africans to the bathroom
 7 but will never follow others irrespective of their time in the bathroom or on their
 8 break.

9 Per the company's policy, promotion must be based on merits. This policy in recent
 10 years has not been adhered to by the current QCs and Foremen. As a lead man, I
 11 have lamented the blatant disregard of this policy regarding Black Africans. They
 12 will be the most competent and hardworking, yet others will be promoted at their
 13 expense. The only explanation is they are Black. I have been the most consistent
 14 worker for this company. I have never missed a single day. Everyone in the
 15 company knows me. Working away from a job I spent more time than with my
 16 family in the past fifteen years was not an easy choice. But nothing is worth more
 17 than my dignity and my humanity. On September 29, 2020, the Captain fired all
 18 of the Black Africans, including me, all at once.

12 5. AMADOU DIALLO

13 I was born in Mali and my race is Black. I started with Defendant(s) in May, 2020.
 14 I have never experienced any abuse and racism other than with Defendant(s). I
 15 injured my hands and went to Nula for medical attention. She dismissed me and
 16 told me to go back to work. Then the foreman saw my hand and told me that I could
 17 not work with that injury and to go to my room and rest. The QC came to my room
 18 yelling at me and calling me names. He told me to go back to work. He threatened
 19 to write me up and fire me. I was in terrible pain, but I went back to work. My
 20 fingers ended up developing pus.

21 I have been working in the fishing industry for a long time. Your experience is
 22 usually considered when you are hired. People who had never worked before in a
 23 fish industry were promoted while I was being denied a promotion. None of the
 24 people who were promoted look like me.

25 We, the Black Africans, have suffered in the factory, especially when it comes to
 using the bathroom. It is like we are in a different universe with the other people
 who work there. They have smooth access to the bathroom. We, on the other hand,
 had to fight our way, and many of us have, on occasion, left embarrassed because
 we could no longer hold on to the call of nature. Thus, we did it on ourselves. On
 September 29, 2020, the Captain fired all of the Black Africans, including me, all
 at once.

25 6. ALHAJI KABBA

1 I was born in Sierra Leone and my race is Black. I have been denied access to the
2 bathroom on different occasions by the QC. My coworkers, the majority of whom
3 are Filipinos and Spanish, are always allowed to take bathroom breaks and smoke
4 breaks without any issue. I have never seen the QC deny them bathroom breaks. I
5 have complained about the differential treatment, but no action was taken. On
6 September 29, 2020, the Captain fired all of the Black Africans, including me, all
7 at once.

7. **ABDUL WAHAB UMAMA**

8 I was born in Ghana and my race is Black. On three different occasions, I was
9 denied access to the bathroom by the QC. I asked a friend to cover my spot while
10 I went to the bathroom. On my way back, the QC met me in the dryer room. He
11 was agitated and started screaming and pointing his fingers at my face. He was
12 verbally aggressive and used profanity to me in front of all my peers. I was very
13 embarrassed. I reported the incident to the factory foreman and he said that the QC
14 is my boss and whatever he says I must do. I have witnessed other Black Africans
15 having the same issue. There has never been an incident where someone from
16 another race has been denied a bathroom break. I reported the incident to Nula, but
17 she didn't help me at all. On September 29, 2020, the Captain fired all of the Black
18 Africans, including me, all at once.

8. **MUHAMADOU TOURAY**

16 I was born in Gambia and my race is Black. I have worked for Defendant(s) for
17 over ten years. I have witnessed acts of racism, discrimination, and differential
18 treatment. During these ten years, I have continuously reported the incidents that
19 have been happening to the Black Africans that work there. There has never been
20 an occasion where any step had been taken to address the concerns raised. I have
21 witnessed Africans been denied access to the bathroom while others could use the
22 bathroom at any time. I have witnessed Africans been stopped from taking a prayer
23 break, but others can take as many smoke breaks as they want. Other races are
24 sometimes allowed to leave their stations when we are less busy and use the
25 internet, but the Africans cannot even move an inch. On one occasion, I raised the
issue, and they told me, "I don't care, and I don't give a shit." They always
threatened to fire us. I have witnessed African been denied access to latex gloves,
but other races could take as much as they want. When another race made an error,
they will fix it without any issues, but they will shame them amongst their peers if
it is an African. Whenever we complained, the supervisors will neither investigate
nor take any action. Those who have complained have been systematically fired.

1 On September 29, 2020, the Captain fired all of the Black Africans, including me,
2 all at once.

3 9. **IBRAHIM KEITA**

4 I was born in Guinea and my race is Black. I work with Black Africans, Filipinos,
5 and Spanish. We have suffered in the hands of the QC. He treats us Blacks
6 differently than he treats the others. He has, on several occasions, denied me from
7 using the bathroom. He has never stopped non-Black Africans from going to a
8 bathroom break. He denies us prayer times but gives others smoking breaks in
9 addition to bathroom breaks and regular breaks. Others would go to a bathroom
10 break and stay longer than an average bathroom break, none of the QC has ever
11 spoken to them. But when an African goes to the bathroom, they keep track of the
12 time, and sometimes yell at them or use profanity. Racism and preferential
13 treatments have become unbearable. We have been called things like stupid
14 African, amongst other degrading statements. On September 29, 2020, the Captain
15 fired all of the Black Africans, including me, all at once.

16 10. **BAKARY MARO DRAME**

17 I was born in Mauritania and my race is Black. While working for Defendant, I
18 have witnessed on numerous occasions, the QC denying Africans access to the
19 bathroom. Sometimes he will block their way and sometimes he will follow them
20 inside the toilet. He does this only to Black people. On September 29, 2020, the
21 Captain fired all of the Black Africans, including me, all at once.

22 11. **DEMBA TRAORE**

23 I was born in Mauritania and my race is Black. I have suffered in the hands of the
24 QC. His immediate supervisors are the foremen. I have consistently complained to
25 them about the harassment, bullying, and discrimination the QC subjects other
Africans and me. He will deny Africans bathroom breaks and prayer breaks (the
majority are Muslims), but he has never rejected Hispanic and Filipinos a bathroom
break or a smoke break. They always insist that we pray during our regular breaks,
but they have never asked others to smoke during their regular breaks. The Foremen
have refused to take the necessary step to correct the abuses we have been made to
go through. I am a Muslim; I have never been denied access to prayers in my
previous jobs. I have consistently been patient, but I can no longer take it.
I have been harassed and embarrassed for using the bathroom; I have been denied
bathroom breaks and denied the right to pray, but my non-Black coworkers have

1 been allowed to take smoke breaks and other miscellaneous breaks (snack break,
2 etc.). These incidents have taken an emotional toll on me.

3 I was hired with several folks who are Spanish. I have been denied a promotion,
4 but Alhandra was promoted before me. I work harder than anyone in that team; the
5 only reason I was never given a raise is because I am Black. On September 29,
6 2020, the Captain fired all of the Black Africans, including me, all at once.

7 12. SEKOU SOUKOUNA

8 I was born in Mali and my race is Black. I started working for this company in
9 2018. I work in different sections and usually for 12hrs shifts. One day, the QC
10 followed me to the bathroom and blocked my way. He told me to go back to my
11 post—this time, I refused and said to him that my time is up. I was called to Nula's
12 office, without asking me what transpired, I was told you must obey the QC.
13 Whether he is right or wrong, you must follow his orders, or you will be dismissed.
14 I told her that is not how I work. I will obey the rules and policies, but I will not
15 tolerate abuse. If you want to fire me for refusing to be abused, go ahead. Since that
16 day, the QC and his brother (who is also a QC) started targeting me. Whenever I
17 asked for a bathroom break, they will decline. I will work for over 3hrs plus, and
18 they will refuse to let me take a bathroom break. The non-Black people I will be
19 working with would be allowed to take bathroom breaks and smoke breaks.

20 We have different levels, and we are paid according to our levels. Since I had that
21 issue with the QC, they conspired to keep me at the same level. The next level I
22 was supposed to be is called the Scoop. Whenever I start working there, irrespective
23 of anything, they will move me and ask someone else to work there. One day while
24 I was working there, the QC rushed at me and forcefully pulled the basket off my
25 hands. You are not qualified to be here, he yelled. I told him that is not accurate. I
have been here before Hugo, I have more experience and work harder, yet you
promoted others while you keep me in the same level. Why are they being promoted
to do something? I have better skills and more experience. He said I do not care.

Last year, a foreman called David ordered me to move some equipment while
working in the warehouse. I asked him where exactly you want them. He
responded, "just fucking over there." I was embarrassed, and I said to him, do not
speak to me in a contemptuous way. I have massive respect for you, and I expect
you to reciprocate it. He wrote negative comments and the end of the shift. I went
to my manager to complain about what transpired. He said I had seen your work,
and you are a hard worker. I do not know why he wrote these things; however, I
will still accept it since he is the Foreman. I was compelled to sign the document.
One day I was working, Rodolfo, a QC, called me to his office. He told me that he
had written me up. I asked for what. He said you used profanity on your colleague.
I told him no; he said, fuck you and said fuck you too. Why should I be the only
one written up, and why was not I called to defend myself. He asked me to sign; I
declined.

1 One day, David, a foreman, called me. He said I would like to promote you to level
2 three. Just keep working hard. I told him I have been working hard. I am overdue
3 for promotion. I still cannot understand why I am not being promoted. He said ok.
4 I will give you your promotion. He never did. Another foreman by the name
5 Rodolfo called me. He told me that I want to promote you to level three, but I have
6 seen you on our last trip coming from a room. Thus, I will cancel it. I told him that
7 is not accurate. I was not in any room, and may I know which room. He mentioned
8 a room number that I have never been to. I do not know anyone in that room. How
9 could I go to a stranger's room? That is a violation. I have been subjected to racial
10 abuse by a colleague called Tamalero, and nothing has been done to address it.

11 One day I was working, I asked for a bathroom break. The QC told me to hold on.
12 After a little over 10mins, I told him if you do not let me go, I will pee on myself.
13 He told me that he has no one to break me and that I should tell the Foreman. I
14 almost pee on myself. I told them the preferential treatment needs to stop. It is when
15 people who are from my race are denied bathroom breaks. Why must we be the
16 only ones that have to use the bathroom on our regular breaks? This is what you
17 guys did the other day to another Black man, and he ended up peeing on himself.
18 On a different occasion, I asked for a bathroom break. The QC refused to give me
19 a break. He told me that I must wait until my break. I called another colleague to
20 give me a break.

21 There was an occasion where we had caught only a few fish, way below our
22 average. We were asked to go clean the machines. Each person was assigned to a
23 different machine. While we were cleaning, Ryan, a Filipino, went upstairs. He was
24 there for over 30 minutes while the rest of us were down working. The QC told me
25 to clean the machine Ryan abandoned. I told him, No. When we Black people asked
for a bathroom break, you refused, or a times reluctantly let us use the bathroom.
Ryan abandoned his work, passed by you for over 30 mins, and you did not say
anything. This differential treatment needs to stop. He knew I was right. When his
shift was over, his brother took over and targeted me for the entire duration of his
shift. While the brother was working, I had diarrhea; I knew he would refuse to let
me use the bathroom because I stood up to his brother. But for the sake of policy, I
asked for permission to use the bathroom. As predicted, he declined. I told him that
I have diarrhea, to no avail. I told a colleague to cover me up. He asked why you
did not tell the QC. I told him that he declined. He said no, he cannot do that to you.
On my way to the bathroom, he blocked my way. I forced my way to the bathroom.
I reported the incident to the Foreman, but no steps were taken to correct the wrong.
Incidents like this happened more than five times.

We were running slow. The Foreman told me to take my break. While I was
cleaning myself, the QC came over and told me to go back to work. I told him that
the Foreman told me to go for my break. He said I do not care. You will not go to
break. He stood in front of me. I jumped over, and I left for my break. While I was
walking, I could hear him say "stupid Black, fucking African". I did not say
anything. Upon my return, he came to my station and was using profanity on me.
He was called names, such as "stupid African." I stopped the machine. I went to

1 him and said, who are you calling stupid African. He responded in the affirmative.
 2 I told him you are the one who is fucking stupid and ignorant. He told me to move;
 3 I refused. He pushed me, and I pushed back. He poked me with his elbows, and I
 4 punched him. We started fighting, and we were separated. The Foreman came to
 5 me and told me that I would no longer work because I attacked the QC. I told him
 6 that I did not attack him. He attacked me. The Foreman said that the witness he
 7 asked said I attacked him. I told him that I also have witnesses. But they refused to
 8 ask my witnesses. In the morning, I was called to the HR office. I explained what
 9 happened. She advised me not to dispute whatever she states. That way, I will keep
 10 my benefits, but if I want to put up a fight by denying, I might be fired without
 11 benefits. I said, ok. We went to the captain. He asked if I had punched the QC, I
 12 said yes. He said you are fired. Then I wondered why I had been fired for defending
 13 myself. I hit him because he poked me with his elbow. I did not attack him; I was
 14 defending myself. The captain told me that the witness he asked said I punched the
 15 QC. I told him that was the witness the QC named. I have my witnesses too. He
 16 told me that his decision is final. On September 29, 2020, the Captain fired all of
 17 the Black Africans, including me, all at once.

11 13. **IBRAHIMA FADIGA**

12 I was born in Guinea and my race is Black. I am diabetic and the QC would not let
 13 me use the bathroom to relieve myself. I ended up urinating on myself. At the
 14 break, I went to change my clothes. The QC, who is not Black, told a driver, who
 15 is Black, "you are so fucking stupid". Then a fight started between the QC and the
 16 driver. The Captain fired the Black driver but not the QC. When he was asked
 17 why one was fired but not the other, the Captain said that the QC had a witness. It
 18 was pointed out that the driver also had a witness. The Captain didn't care and still
 19 fired the Black driver but not the QC. On September 29, 2020, the Captain fired
 20 all of the Black Africans, including me, all at once.

18 14. **YACOUBA KONE**

19 I was born in Africa and my race is Black. Due to my many previous experiences
 20 working as a fisherman, I applied for a fridge position because that is where I was
 21 comfortable, but the lady at the office told me they do not have an opening for a
 22 fridge person so I accepted the position as a driver.

22 Every day, the QCs were constantly teasing me that I lied to David Soto that is now
 23 that I knew they would not like me and will make my life a living hell.

23 One day, I was working on the fillet table, after 3 hours standing I wanted to go use
 24 the bathroom, one of the QC (Don Mike) blocked me and told me that I can no
 25 longer use the bathroom after 5pm. I told him that I really need to go piss, and he
 was firm on his decision (NO). While I was begging him to go to the bathroom my

1 Mexican coworker (Louis Corona) with whom I share my shift with, walked by to
2 go use the bathroom and the QC did not stop him nor ask him any question. When
I saw that I was upset.

3 Amara Soukouna is one of the leads was also upset witnessing the QC not letting
4 me go to the bathroom but let Louis go, so he came and took my work spot and told
me to go use the bathroom. When I was finally given the permission to go to the
bathroom, it was a little too late, I piss on my pants.

5 Few days later I went complain to David Soto about the QC harassment and asked
6 that they just let me do my job. I told David Soto about the constant bathroom
blocks and the day I piss my pants. David asked what I did not come and tell him
7 that earlier, I told him that I did not want to be the complainer knowing that they
have worked together for long time. David Soto call the QC and asked him to take
8 things easy on me and be there if we have questions, QC yelled at David Soto and
said he is not teaching no one anything and was being rude so I just walked off and
went back to work.

9 I was working as level one and wanted to move up to level 2. In other to move up
10 to level 2, you must know to scoop, and when I ask to scoop, they will deny me the
change and I know my raise will come from scooping. I did ten trips all in level one
11 and I noticed that people were moved up to level 2 after 4 trips, but I did 10 trips
before I got my raise and after 14 trips I got level 3.

12 When I was looking for my level, no one wanted to show me my level. I went
around asking all of them, from QCs, factory foreman, factory manager, until I went
13 speak to Nola and she mentioned to them that how come I am still in level 1 when
I work so hard.

14 We had a meeting where it was stated that we should be given a break every 2hours
of work but one day, we were running out of fish and we all worked from 12pm to
15 3:30pm straight, everyone rushed to the restroom including myself, and when I
came back, the QC sent everyone off and told me to clean all the machines alone, I
16 said "I told him NO that I cannot do the cleaning alone and if he sent everyone off,
I should be leaving too. The QC blocked my way and stated that I am not going
17 anywhere if I do not clean all the machine, I got upset and was going up to him with
force when one of my coworker Mamadou who witnessed the whole thing, rushed
18 to hold me. QC ran up to the factory manager that I want to fight him. The factory
manager called me up to asked why I wanted to fight QC, I told him that cleaning
19 is a collective job after work and QC sent everyone off and wanted me to do the
cleaning alone. The factory manager realized that what I said was true, he
20 apologized to me over 3times and told me he will have a talk with QC so he changes
his behavior toward me, but QC behavior never changed if anything he worsen.

21 One day I went use the bathroom, and when I came, the QC grabbed me and told
22 me that I was gone for 10 minutes, I told him that I was gone for barely 5 minutes,
while one of my Mexican coworkers came back 15 minutes later and QC did not
23 say anything to him. When I mentioned that why he is not saying anything to the
24 Mexican guy coming back 15 minutes later, QC got upset started yelling at me that
he is the boss here and he is the one who gives orders, then went upstairs to

1 complain to David Soto that I have disrespected him. David Soto came to me and
2 say that QC is my boss and whatever he asks me to do, that is what I should do.

3 I worked a trip helping out in the freezer when I have a frozen numb pinky do the
4 point that it turned dark, I went to Nolo and showed her, she stated that I should not
5 work in a cold place and she recommended that I stay helping in the kitchen. One
6 day while I was helping in the kitchen, QC came up to me screaming that I go down
7 to clean, I tried explaining to him that I was medically asked to stay away from cold
8 places, but he did not let me, so I went down to clean.

9 At the end of the 6th trip, we needed 6 people per table, but it was 8 of us. To avoid
10 conflict with the QC, I was always the last person to leave to go eat lunch,
11 sometimes QC will not call anything to come replace me so I can go to lunch. On
12 the last day, it was 4 of us on the table so I decided to take my lunch break on time
13 since I have not had my complete lunch for a while. While I was removing my work
14 gear, QC came to me and told me to go back to work and let one of my coworkers
15 go instead of me. I told him that we have 3 other people at the table, and I will not
16 return. QC went up to David Soto to complain, David Soto called me up where I
17 explained myself, he then stated that QC is my boss, and I should do anything he
18 tells me to do. I told him that every day at noon I let Samba go to lunch so today I
19 wanted to take mine first but QC declined me, David Soto asked me why I stay
20 back every lunch time, I told him that I am taking order from QC and David Soto
21 said that it is my fault because I should have come and let them know. So, David
22 made me sign a warning paper.

23 The next day I went to the gearing room when one of my Mexican coworkers started
24 laughing at me that I was given a warning. I was upset, I went to Nola and told her
25 that I do not appreciate my coworker making fun of me and since I do not want any
issue, I am ready to quit. Nola asked me to tell her the person making fun of me, I
refused to give her the name because I have complained many times and nothing
was done, at this point I was fed up with the boat mistreatment. She told me to hold
on to my quitting thought for 24 hours and she will get back to me. The next day,
the new factory manager and the Foreman asked me to go back to Nola's office.
When we all went up to the office (Peter, Rodolfo, Nola and I) they asked me for
the person's name again, I did not want to give them the name but because of the
respect I have for Rodolfo, I gave up the name and point him out through picture.
Rodolfo apologized and told me he will speak the person who was making fun of
me and that he does not want to lose me as a worker. So, we all made peace and
shook hands, then Lola said "Yacouba, you know what I think it is best that you
leave, because I do not want any issues here, I am not sure if we spoke to the person
to stop making fun of you, they will stop." I was so upset by Lola's comment, I then
said "wow Lola just like that? This is why I did not want to give up the name of the
person bullying me, and this is a workplace harassment, and you are not fixing the
issues."

When I wake up, I saw that all the Africans were not working, they explained to
me that last night an unfairness was made toward a brother, so we all decided not
to work. Based on my own situation, I decided to join the movement because this

workplace harassment has affected all the African workers. On September 29, 2020, the Captain fired all of the Black Africans, including me, all at once.

15. **DANIEL LUAI**

I was born in South Sudan and my race is Black. I needed to use the restroom but the QC would not allow me to use it. I urinated on myself because I could not hold it any longer. I did not report this incident because I was too embarrassed. I have seen the QC not allow the Blacks to pray, while he allows the non-Blacks to take smoke breaks.

On September 29, 2020, when we came back from a break, the QC told a driver that "you are so fucking stupid". A fight broke out between the QC, who is not Black, and the driver, who is Black. When the Captain came, he fired the driver but not the QC. When we asked him why the driver was fired but not the QC, the Captain said that the QC had a witness. We pointed out to him that the driver also had a witness. The Captain was not interested and refused to listen to his account of what happened. The Captain then fired all of the Black Africans, including me, all at once.

16. **AMGAD MOHAMED**

I was born in Sudan and my race is Black. I have witnessed several cases of abuse directed towards Black people in Defendant(s)' factory. I have been patient over the years, but I cannot take it anymore. The consistent refusal to use the bathroom or harassing us while using the bathroom has become unbearable. This happens to only Black people. Finally, it is a rule in the company that when two people fight, irrespective of who the provocateur is or who started the fight, both will be fired. One of the QCs fought with a Black guy. The Black guy was fired without a full investigation. We insisted that they must be a full investigation and that the company's rule must be applied. We had a meeting with management. At the meeting, we asked why weren't the Black guy's witnesses called before a decision to fire him was made. The captain said he was not told there were other witnesses and that his decision is final. We insisted that we will only return to work if they commit further investigation by taking the statements of other witnesses and have a look at the CCTV footage. We are tired of the differential treatment. On September 29, 2020, the Captain fired all of the Black Africans, including me, all at once.

17. **MOHAMED ALI**

I was born in Africa and my race is Black. I was hired in 2018. My contract indicated that I had to follow the orders of the managers and respect everybody and treat everybody equally. I have never broken this agreement. Everything was going well until my third day of work. The QCs will provocatively get to your face, yell at you, and use swear words in a very degrading manner. Whenever I get an order from a Foreman, the QC will break that other but in an insensitive, offensive, and demeaning way. Every time I get mistreated, I complained to my immediate supervisor, but it seems like the more you report abuse, the more you are targeted. Consequently, you end up receiving more abuse. It is like a vicious circle. They have been changing my position of work to keep me away from one of the QC's. I have witnessed a lot of abuses directed towards Black people in the factory. The mistreatment, the racism, and the abuse need to stop. I have reached a point that I could no longer tolerate being treated like this or allow someone else to be treated this way without taking a stand. On September 29, 2020, the Captain fired all of the Black Africans, including me, all at once.

18. **MACIRE DIABY**

I was born on the Ivory Coast and my race is Black. I started working for Defendant(s) in 2015. We Blacks have been subjected to differential treatment. We have been stopped from going to the bathroom and taking a break to pray. The Mexicans and Filipinos were allowed to take smoke breaks and other breaks. I complained about this differential treatment to management but they did nothing. I saw one person pee on himself because he was denied access to the bathroom. I have trained several people from other races who are given raises and promotions over me. Defendant(s) did this because I am Black. I had a serious medical condition that needed treatment but Nula denied the treatment. When I finally saw a doctor, he said I almost lost my finger. People of other races were given prompt medical treatment. On September 29, 2020, the Captain fired all of the Black Africans, including me, all at once.

19. **MAHAMDOU SOUKOUNA**

I was born in Mali and my race is Black. I have witness and experience so much injustice in this place. I will be brief in terms of what I have experienced. One day I was asked to work at the table stations. I went to table one, and the QC insisted that I must be on table three. I told him I am too tall for table three. You either work on table one, or you will be fired. I have complained, but nothing was done. I was present when a Black African was denied using the bathroom. He ended up peeing on himself. It was the most embarrassing thing ever. Nothing was done about it. I

1 have witnessed a lot of injustice and racism in that company. Nula oversees
 2 complaints; she has never taken a step to correct the wrong. I believe a of things
 3 happened to us because of her. We have complained to have any time we wronged;
 4 she lets it slide. Finally, I witness the fight between the QC and Sekou. I separated
 5 them, but the management has not reached out to me. They asked someone else and
 6 relied on that person's statement to terminate Sekou's contract. On September 29,
 7 2020, the Captain fired all of the Black Africans, including me, all at once.

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20. **MAMADI CAMARA**

I was born in Mali and my race is Black. I asked for a bathroom break, and I was denied. I insisted that I will go to the bathroom. When I entered the bathroom, the Foreman followed me to the toilet and kept knocking at the door, demanding that I leave the bathroom. I went to the supervisors to complain. After I narrated what had happened, they told me, "you people get angry on everything." Other groups, such as the Mexicans and Filipinos could go to the bathroom or a smoke break with no problems. On September 29, 2020, the Captain fired all of the Black Africans, including me, all at once.

21. **MAMADOU SISSOKO**

I was born in Mali and my race is Black. One day I went to use the bathroom and on my way back the QC grabbed me and accused me of being gone for 10 minutes when I was gone for only five minutes. My Mexican co-workers could go on breaks for fifteen minutes and the QC would say nothing to them. But the Black Africans, the QC would not let use the bathroom. On September 29, 2020, the Captain fired all of the Black Africans, including me, all at once.

22. **DEMBA KEBE**

I was born in Mauritania and my race is Black. I was sick between January and February. Whenever I cough, I cough blood. When I sometimes pee, it is mixed with blood. At times blood comes from my nose and mouth. I asked my supervisor to take me to the hospital, but he refused. He insisted that I must show up to work. I work 15 hours a day throughout that period. I was going through so much pain. He refused to give me even a day off. My roommate, a white man, later had the same sickness. He was immediately taken to a clinic, and he was out for at least a week. At some point, I was unable to sleep for three days. I told them, but they insisted that I must show up to work. On another occasion, I was on my way to the bathroom, and he blocked my way. He refused to let me go to the bathroom. I forced my way to the bathroom. He wrote a report about me. I was called, and I told them

1 what happened. all they said was listen to him. When I signed my contract, I was
2 told I could take bathroom breaks, and that other people from different races have
3 never stopped using the bathroom. It is when it has to do with someone who looked
like me that you act like this.

4 **III. CLAIMS**

5 Plaintiffs reallege and incorporate the foregoing paragraphs as though fully set
6 forth herein.

7 **1. RACE DISCRIMINATION**

8 1.1 Defendant(s)' discriminatory treatment of Plaintiffs, including but not limited
9 to, refusing to promote or give them raises despite their longevity and
10 experience, and denying them bathroom breaks, constitutes race discrimination
11 in violation of Title VII, 42 U.S.C.S. § 2000e *et seq.* and Washington's Law
12 Against Discrimination, RCW 49.60 *et seq.*

13 1.2 Plaintiffs have been damaged by Defendant(s)' race discrimination in amounts
14 to be proven at trial.

15 **2. HOSTILE WORK ENVIRONMENT BASED ON RACE, COLOR AND** 16 **NATIONAL ORIGIN**

17 2.1 Defendant(s)' mistreatment of Plaintiffs was severe, pervasive and outrageous,
18 affecting the terms and conditions of their employment. The harassment was based
19 on their race, color, and national origin, and constituted a hostile work environment
20 in violation of Title VII, 42 U.S.C.S. § 2000e *et seq.* and Washington's Law Against
21 Discrimination, RCW 49.60 *et. seq.*

22 2.2 Plaintiffs have been damaged by Defendant(s)' hostile work environment based
23 on race, color, and national origin in amounts to be proven at trial.

24 2.3 Plaintiffs are entitled to, and will seek, punitive damages under Title VII.

1 **3. VIOLATIONS OF 42 U.S.C.S. § 1981**

2 3.1 Plaintiffs are all Black and members of a racial minority.

3 3.2 Defendant(s) intentionally discriminated against Plaintiffs, and permitted
4 harassment to be committed against Plaintiffs, because of their race, denying them
5 the full and equal benefit of their employment relationship with Defendant(s).

6 3.3 Plaintiffs have been damaged by Defendants' discrimination under 42 USC §
7 1981, including punitive damages, in amounts to be proven at trial.

8 **4. RETALIATION AND WRONGFUL TERMINATION.**

9 4.1 A substantial factor in Defendant(s)' adverse employment actions against
10 Plaintiffs, including but not limited to, their wrongful termination, were their
11 complaints about the mistreatment they suffered due to their race. Defendant(s)'
12 adverse employment actions against Plaintiffs were retaliatory in violation of federal
13 and state anti-retaliation laws, 42 U.S.C.S. 2000e-3(a), and RCW 49.60.210.

14 4.2 Plaintiffs have been damaged by Defendant(s)' retaliation in amounts to be
15 proven at trial.

16 **IV. PRAYER FOR RELIEF**

17 Plaintiffs request that the court enter judgment against Defendant(s) as follows:

- 18 1. Awarding Plaintiffs the full amount of their damages, including punitive
19 damages, under Title VII and RCW 49.60 in amounts to be established at
20 trial;
21 2. Awarding Plaintiffs the full amount of their damages, including punitive
22 damages, under 42 U.S.C. §1981a in amounts to be established at trial;
23 3. Awarding Plaintiffs prejudgment interest on any awards;
24 4. Awarding Plaintiffs their statutory costs and fees;
25 5. Awarding Plaintiffs their actual and reasonable attorneys' fees and
 litigation expenses under 42 U.S.C.S. § 2000e-5(k) and RCW 49.60.180,

- 1 and compensatory and punitive damages under 42 U.S.C.S. § 1981a(4);
- 2 6. Awarding Plaintiffs monetary relief to compensate for any adverse tax
- 3 consequences of their awards; and
- 4 7. Awarding Plaintiffs such other and further relief as the court deems just
- 5 and equitable.
- 6 8. For the right to amend the Complaint to conform to the proof offered at
- 7 trial.

8 **V. JURY DEMAND**

9 Plaintiffs hereby demand a trial by jury on all factual issues presented in this case.

10 DATED this 19th day of October 2021.

11 /s/Reba Weiss

12 Reba Weiss, WSBA #12876

13 Weiss Law Firm PLLC

14 1833 N. 105th St., Ste. 101

15 Seattle, WA 98133

16 E-mail: reba@weisslawfirm.org

17 S/GORDON WEBB

18 Gordon C. Webb, WSBA # 22777

19 225 106th Avenue NE

20 Bellevue, WA 98004

21 Telephone 425.454.3800

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Facsimile 425.462-9660

E-mail: Aginster@msn.com

Attorneys for Plaintiffs

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Reba Weiss**
1833 N. 105th St., Ste. 101
Seattle, WA 98113

From: **Seattle Field Office**
909 First Avenue
Suite 400
Seattle, WA 98104-1061

☐

On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

551-2021-03048

Eric C. Darius,
Intake Supervisor

(206) 576-3021

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

☐

More than 180 days have passed since the filing of this charge.

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Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

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The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

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The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

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The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Nancy A. Sienko,
Director

July 13, 2021

(Date Issued)

Enclosures(s)

cc:

ARTIC STORM INC AKA ARTIC FJORD AKA ARTIC STORM
MGMT GRP LLC
400 N 34th St Ste 201
Seattle, WA 98103

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.